

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of Bremerton, Washington, amending Title 20 of the Bremerton Municipal Code entitled “Land Use” commonly known as the zoning code, adopting the official zoning map, amending development regulations of adopted Subarea Plans, and amending Section 6.32.010 of the Bremerton Municipal Code relating to land use zone designations.

WHEREAS, the proposed updates to the Title 20 of the Bremerton Municipal Code entitled “Land Use” meets the requirements of the Washington State Growth Management Act (GMA) and satisfies the requirement for consistency between development regulations and the Comprehensive Plan pursuant to RCW 36.70A.040; and

WHEREAS, the City is concurrently updating its Comprehensive Plan (under a separate ordinance) pursuant to GMA, and the schedule provided in RCW 36.70A.130 that requires an update of the Comprehensive Plan by no later than June 30, 2016; and

WHEREAS, the proposed amendments to Title 20 (“zoning code amendments”) represent development regulations that are consistent with the 2016 City of Bremerton Comprehensive Plan, and implements a wide range of goals and policies from the Plan; and

WHEREAS, the proposed zoning code amendments contains the official zoning map that implements the official land use map illustrated in the 2016 Comprehensive Plan; and

WHEREAS, the East Park Subarea Plan and the Gorst Subarea Plan are proposed for re-adoption without modification; and

WHEREAS, the Downtown Subarea Plan, the Bay Vista Subarea Plan, and the South Kitsap Industrial Area Plan, now known as the Puget Sound Industrial Center-Bremerton, are each proposed for re-adoption with minor amendments; and

WHEREAS, the Manette Subarea Plan development regulations have been consolidated into the proposed zoning code amendments and therefore is proposed to be repealed; and

WHEREAS, in accordance with Chapter 43.21C RCW and WAC 197-11, a Determination of Significance (DS) with adoption of existing environmental documents with an addendum was filed on November 3, 2015 with a voluntary comment period which expired on November 17, 2015 and an appeal period which expired on November 30, 2015 and no appeals were filed; and

WHEREAS, the proposed zoning code amendments process incorporated continuous and open public involvement and adequate public notice, and underwent numerous workshops and public hearings before the Planning Commission and City Council; and

WHEREAS, public comment was received throughout the duration of the zoning code amendment process and the comments were considered as part of the development of the regulations; and

WHEREAS, on May 7, 2016 the public was notified by legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the City Council.

WHEREAS, the Bremerton City Council considered public input and the Planning Commission findings and recommendations on the zoning code amendments and affiliated subarea plan updates; and

WHEREAS, the Bremerton City Council finds that the Title 20 of the Bremerton Municipal Code as amended meets the requirements of the GMA and fully implements the 2016 Comprehensive Plan update; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. *Findings and Recitals Incorporated.* The findings and recitals set forth above are hereby adopted and incorporated herein by this reference.

SECTION 2. *Planning Commission Findings.* The findings and conclusions of the Bremerton Planning Commission as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference, are hereby adopted.

SECTION 3. *Land Use Code Amended.* Title 20 of the Bremerton Municipal Code entitled “Land Use”, commonly known as the zoning code, is hereby amended as set forth in **Exhibit B**, attached hereto and incorporated herein by this reference.

SECTION 4. *East Park Subarea Plan.* The development regulations of East Park Subarea Plan as adopted by Ordinance No. 4962 are hereby re-adopted as currently established.

SECTION 5. *Gorst Subarea Plan.* The development regulations of the Gorst Subarea Plan as adopted by Ordinance No. 5237 are hereby re-adopted as currently established.

SECTION 6. *Bay Vista Subarea Plan.* The development regulations of the Bay Vista Subarea Plan as adopted by Ordinance No. 5077 and amended by Ordinance No. 5202 are hereby amended as set forth in **Exhibit C**, attached hereto and incorporated herein by this reference.

SECTION 7. *Downtown Subarea Plan.* The development regulations of the Downtown Subarea Plan as adopted by Ordinance No. 5034 and amended by Ordinance No.

5202 are hereby amended as set forth in **Exhibit D**, attached hereto and incorporated herein by this reference.

SECTION 8. *PSIC-B/SKIA Subarea Plan.* The development regulations of the PSIC-B/SKIA Subarea Plan as adopted by Ordinance No. 5188 are hereby amended as set forth in **Exhibit E**, attached hereto and incorporated herein by this reference.

SECTION 9. *Chapter 6.32 BMC Amended.* Section 6.32.010 Chapter 6.32 of the Bremerton Municipal Code entitled "Noise Levels" is amended by amending Section 6.32.010 relating to land use zones as follows:

6.32.010 DEFINITIONS.

All technical terminology used in this chapter not defined herein shall be interpreted in conformance with American National Standards Institute Specifications, Sections 1.1-1960 and 1.4-1971. For purposes of this chapter, the words and phrases used herein shall have the meaning indicated below:

- (a) "Administrator" means the Mayor of the City of Bremerton or his or her designee.
- (b) "db(A)" means a sound level, measured in decibels, using the A frequency-weighting network of a sound-level meter.
- (c) "District" means the land use zones to which the provisions of this chapter apply. For the purposes of this chapter, the following noise control districts shall be established, which include land use zones designated in the Bremerton zoning ordinance, as follows:

Noise Control District	Land Use Zones <u>(pursuant to BMC Title 20)</u>
District I	R-10, <u>R-10M, R-20, East Park Subarea Plan (SAP)CCR, MR</u>
District II	NB, BC, CC , WWRC , NCC , DCC, DW, DC, LC , EC, INST, <u>GC, Bay Vista SAP, Downtown SAP, Gorst SAP</u>
District III	IP , I , CUL, WS, MI , FC

- (d) "Emergency work" means:
 - (1) Work made necessary to restore property to a safe condition following a public calamity;
 - (2) Work required to protect persons or property from imminent exposure to danger; or
 - (3) Work by private or public utilities for providing or restoring immediately necessary utility service.
- (e) "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, except farm tractors and such vehicles powered by an engine of less than five (5) horsepower.
- (f) "Motor vehicle" means any vehicle which is self-propelled, used primarily for transporting persons or property upon public highways, and required to be licensed under RCW 46.16.010 or a motorized transportation device as defined in BMC 10.13.010. (Aircraft, watercraft, and vehicles used on rails or tracks are not motor vehicles as that term is used herein.)

- (g) "Noise" means the intensity, duration and character of sounds from any and all sources.
- (h) "Person" means any individual firm, association, partnership, corporation or any other entity, public or private.
- (i) "Police officer" means a duly appointed city, county or State law enforcement officer.
- (j) "Property boundary" means the survey line at ground surface which separates real property owned, rented or leased by one or more other persons and its vertical extension.
- (k) "Receiving property" means real property within which sound originating from sources outside the property is received.
- (l) "Sound level" means a weighted sound pressure level obtained by the use of a sound level meter and weighted as specified in American National Standards Institute Specifications, Section 1.4-1971.
- (m) "Sound level meter" means a sound-level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications, Section 1.4-1971.
- (n) "Weekend" means Saturday and Sunday or any legal holiday.

SECTION 10. *Severability.* If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 11. *Effective Date.* This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council the _____ day of _____, 2016

ERIC YOUNGER, Council President

Approved this _____ day of _____, 2016

PATTY LENT, Mayor

ATTEST:

APPROVED AS TO FORM:

SHANNON CORIN, City Clerk

ROGER A. LUBOVICH, City Attorney

PUBLISHED the _____ day of _____, 2016

EFFECTIVE the _____ day of _____, 2016

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